

1 PROCEEDINGS

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3 THE CLERK: 06-5504-RBL, United States versus Charles
4 Nol on Bush.

5 Counsel, please rise and make your appearances.

6 MR. STORM: Arlen Storm for the government.

7 MS. OLSON: Paul a Olson for Nol on Bush. Jocelyn Bush
8 seated to my left.

9 THE COURT: Mr. Olson, Mr. Bush, good morning.

10 A couple of preliminary matters that I would like to take
11 up before we begin the voir dire process.12 First, let me say I have reviewed the defendant's motion
13 to dismiss for lack of jurisdiction. I have reviewed the
14 indictment. I am satisfied that the indictment states the
15 alleged violation of federal criminal law. There is nothing
16 in the constitutional protection of the free exercise of
17 religion that exempts religious individuals or organizations
18 from compliance with those laws. And I am satisfied the
19 Court has jurisdiction and the motion is denied. I have sort
20 of jury-rigged my own statement of case, borrowing some from
21 the government and some from the defendants. So I have
22 completed that process.23 With regard to the motions in limine, I'm not sure that
24 they need to be resolved at this time. But let me tell you
25 what my thinking is on these matters in case it impacts your

1 opening statements or -- I don't think it will impact your
2 questions during voir dire.

3 The previous bad acts 404(b) versus 403 analysis, I am --
4 we're going to need some more discussion perhaps on the
5 404(b) analysis. The fact of Mr. Bush's termination from his
6 prior employment is certainly admissible. The question is
7 whether or not the reasons for the termination would be
8 admissible. That would more properly fall within the 404(b)
9 definition.

10 Clearly, if the evidence -- the predicate is set that
11 Mr. Bush was indicating to others, to potential investors
12 that he was a highly successful businessman and so forth,
13 under Rule 10(b)(5), the Securities and Exchange Act, that
14 would be a material fact. The government would be within its
15 bounds to refute with the fact that Mr. Bush had not been
16 successful in at least some of his business endeavors.

17 Whether or not the circumstances surrounding the
18 termination to the extent that they demonstrate some prior
19 misconduct is admissible will require a little bit more
20 analysis under 404(b) and the purposes for which that
21 information would be admitted.

22 Regarding the motion of generalized testimony regarding
23 fraud, I am going to reserve on that. It may be necessary to
24 have some expert testimony as to whether certain relevant
25 investment vehicles in fact exist in the legitimate

1 marketplace. I will reserve to see -- we'll probably have
2 additional conversation about that issue.

3 What I will be focused on really is whether or not expert
4 testimony is necessary; if the testimony offered by the
5 government is the kind of testimony that a jury would need to
6 be fully informed or whether it's simply commonsensical
7 information that the testimony of lay witnesses would
8 suffice. In short, does a jury need expert testimony on the
9 subject? I'm not at all clear on that at this point.

10 The motion with regard to the confidential religious
11 records is denied.

12 The motion in limine with regard to travel to Europe is
13 denied.

14 The motion with regard to playing additional portions of
15 taped conversations is reserved, and the rule of completeness
16 will control whether or not and to what extent additional
17 portions of the taped conversations will be allowed.

18 The motion in limine with regard to statements made by
19 alleged agents will be reserved. And I will deal with that
20 on the fly, on a case-by-case basis, assuming the government
21 will offer the predicate evidence about the relationship
22 between Mr. Bush and these so-called agents.

23 The motion to allow limited voir dire by the attorneys is
24 granted. And because of the nature of this case, I will
25 allow 20 minutes a side, each lawyer. You don't have to use

1 it. I have incorporated most of the themes that the lawyers
2 have requested in their proposed voir dire.

3 Let me say that we follow the same protocol Judge Bryan
4 has been following for years. And I want the parties to be
5 aware of the boundaries for their voir dire, and particularly
6 subpart (4)(f). Voir dire is not the time to introduce a
7 jury to your case or the theory of your case or arguments
8 about your case. It's an opportunity to identify people who,
9 based on their own personal relationships, personal
10 experiences, or deeply held personal beliefs would not make a
11 good juror.

12 So I know that most trial seminars involve one or more
13 lawyers telling other lawyers about how effective they can be
14 on voir dire. How they can win the case during voir dire by
15 schmoozing and otherwise cajoling the jurors into accepting
16 their view of the world right out of the box. That may
17 happen someplace, but it doesn't happen here.

18 I will admonish the lawyers to stay clearly away from
19 those efforts. If I think you're crossing line, I will ask
20 you to move on. I won't show you up in front of the jury,
21 but I will ask you to ask another question.

22 Government witnesses will be excluded except for the case
23 agent. They'll be excluded until they have been released.

24 With regards to the motion in limine concerning the lists
25 of witnesses and exhibits, I will ask the government to at

1 the end of the business day tell defense counsel who the
2 witnesses up for the next day will be. That does not include
3 exhibits. You don't have to give them an exhibit list, too.
4 But as a courtesy I would expect during defendant's case they
5 would reciprocate.

6 Finally, the issue in the government's motion in limine
7 regarding attorney-client privilege is reserved. The
8 government indicated to the Court that that was an issue that
9 probably was going to arise after about a week into it. I
10 will keep my eye on the ball and view the evidence with that
11 issue in mind, and at some point within that week we'll
12 address the issue more fully.

13 Anything further? I guess peremptories, I will do seven
14 and 11. We'll have 14 jurors in the box. The two alternates
15 will be picked at the end of the case. So they don't know
16 they're the alternates. Jurors 13, 14 will not be the
17 automatic designated alternates. Unless there is some reason
18 we can't, I am inclined to have them exercised
19 simultaneously. I don't think there is any rule of
20 prohibition against that.

21 So you'll each have your sheet. The government can list
22 its seven strikes and the defense can exercise their 11
23 strikes and we'll have our jury.

24 Now, any questions or comments?

25 MR. STORM: Your Honor, only a couple regarding

1 exclusion of witnesses. I talked to Ms. Olson regarding
2 Carrie Breed, who is my expert. I would like to have her in
3 the courtroom so she can hear the testimony and incorporate
4 it into her summary testimony. Ms. Olson indicated she did
5 not have a problem with Ms. Breed being present if the Court
6 doesn't.

7 THE COURT: Well, I certainly don't have an
8 objection, if you've worked something out. Again, when in
9 doubt I trust the lawyers.

10 MS. OLSON: I don't have an objection. Part of the
11 reason why is because I understand the case agent who is
12 present is not going to be testifying. And I know the
13 process and I know the involvement of Ms. Breed. And
14 Mr. Storm and I have discussed that, the issue of her being
15 here and the purpose, and I am satisfied with that.

16 THE COURT: My antenna goes up when somebody says
17 somebody is going to give summary testimony. That's a
18 concept that will have to be developed as we go. But
19 generally speaking, I do not allow witnesses to comment on
20 previous witnesses' testimony. You can elicit the same
21 testimony from the witness without, you know, I'm going to
22 ask you to assume or you were here and you heard so-and-so
23 say so-and-so, what do you think about that? Well, I think
24 he's wrong. I think he's smoking something. You know,
25 that's not the way we do it here.

1 So I don't know what your motion of summary testimony is,
2 but I assume by the time we get there I will.

3 MR. STORM: We won't do what Your Honor is saying.

4 But the other issue is in my opening I was stating that
5 the midterm notes that the government alleges Mr. Bush
6 offered were fictional or fictitious. The way we plan on
7 proving that was putting on William Kerr, who is an expert in
8 that area, to say that they in fact do not exist in the real
9 economic forum. I want to make sure if I say that, I am not
10 crossing the line of the Court's ruling.

11 THE COURT: Well, like I said, you can say that. And
12 I said it may be necessary -- I mean, it seemed to me from
13 your -- from the motion in limine that there was an area --
14 that is an area where a jury may need some assistance because
15 they don't have knowledge of the general array of the
16 investment vehicles around -- they know certainly commonly
17 used vehicles, but they don't have intimate knowledge about
18 every investment vehicle out there.

19 So that does seem to me to be a legitimate use of an
20 expert. I want to be very careful and judicious about the
21 use of expert testimony. Oftentimes, I find that experts are
22 testifying about matters that are within the can of everyday
23 jurors.

24 MR. STORM: The only issue the government has is on
25 October 3 Your Honor signed an order regarding tapes that the

1 government has obtained from the Federal Detention Center.

2 Mr. Bush objects to us listening to those tapes on
3 religious grounds. And the Court in its order indicated we
4 could listen to the tapes to determine if there is religious
5 content in them.

6 THE COURT: Never been presented to us for any
7 in-camera review to my knowledge.

8 MS. OLSON: They have not, Your Honor. And I
9 intended to get them to the Court before today. I had a
10 weekend of family emergencies. I'm way behind on the power
11 curve in terms of doing that. If the Court would indulge me,
12 we can get the list and tapes to the Court tomorrow morning.

13 THE COURT: Okay. Anything further?

14 MS. OLSON: Yes, Your Honor. Mr. Bush is
15 experiencing some health issues. He's going to need to
16 probably use the restroom every hour, hour and a half or so.

17 THE COURT: I try to take a break every hour and 15
18 minutes, every hour and 20 minutes. I do that primarily for
19 the Court Reporter. Mr. Bush and I may be on the same
20 schedule anyway.

21 MS. OLSON: The other thing is partly because of my
22 series of family emergencies in my family, my assistant's
23 family, I have not gotten the Court the defendant's jury
24 instructions. And our trial brief is still a little choppy.
25 If the Court would indulge me?

1 THE COURT: Absolutely. I think I know what the case
2 is about. I certainly want the defendant's perspective on
3 matters. And I will read it as soon as it comes in. But I
4 don't think it's necessary to get the trial going here this
5 morning.

6 MS. OLSON: It's not very long, Your Honor. So thank
7 you.

10 MS. OLSON: Yes.

11 MR. STORM: Yes.

12 (Jury enters the courtroom.)

13 THE COURT: All right. Please be seated.

16 I want to begin by giving you a heartfelt thanks for being
17 here. Your willingness to participate in this process is of
18 vital importance to the federal judiciary and the way we
19 administer justice in this country.

20 I say thanks for your willingness to participate. And you
21 probably think it's a little tongue in cheek given that you
22 were summoned here. But it is an important civic
23 responsibility, and to have you all here today is gratifying.

24 So important is the right to a jury trial, a jury of your
25 peers, that it is memorialized in the Constitution of the

1 United States of America as a right. A fundamental right.
2 And your presence here today enables us to keep that promise
3 to all of our citizens who are called before the Court in a
4 civil or criminal proceeding.

5 And an important part of the trial is the selection of a
6 jury. And that is what we're going to embark on now. The
7 law requires that prospective jurors be sworn before
8 questions are asked.

9 At this time I will ask all jurors in the courtroom,
10 whether you're in the box or on the bench, to stand, raise
11 your right hand, and Ms. Boring will administer the oath.

12 (Jury sworn.)

13 THE COURT: Thank you. Please be seated.

14 The remarks that I make and the questions that I ask and
15 the questions I permit the lawyers to ask and the
16 instructions that I will give you are directed to the
17 attention of every juror in the courtroom, as I said, whether
18 you're in the box or you're on the benches. So each juror is
19 cautioned to pay close attention.

20 In order that a case be tried before an impartial jury,
21 the lawyers and I will ask you questions not to embarrass you
22 or to try, but to determine if you are unbiased and without
23 preconceived ideas which might affect the case. You should
24 not withhold information in order to be seated on this
25 particular jury. You should be straightforward in your

1 answers rather than answering the way you feel the lawyers or
2 I expect you to answer.

3 It is presumed that when a jury has been selected and
4 accepted by both sides, each of you will keep an open mind
5 until the case is finally submitted. You will accept the
6 instructions of the Court and will base any decision upon the
7 law and facts, uninfluenced by any other considerations. The
8 purpose of the questions on voir dire is to determine if you
9 have that frame of mind.

10 Now I want to explain the challenge process to you. The
11 lawyers have the right and duty to challenge any jurors for
12 cause. A challenge for cause results from a significant
13 concern that a juror cannot be impartial because of some
14 presumed relationship with a party or witness, a pecuniary
15 interest in the outcome, or clear bias or concern with some
16 issue in the case.

17 They may also challenge prescribed number of jurors
18 without giving any reason as a guarantee to both parties that
19 they may remove some jurors if they wish. This is called a
20 peremptory challenge. You should not take offense if you are
21 challenged, since the challenge is not exercised as a
22 personal reflection on you.

23 Now, this is a criminal action instituted by the U.S.
24 government as plaintiff here. The U.S. is represented by
25 Arlen Storm, who is an assistant U.S. attorney. I would ask

1 Mr. Storm to introduce those present.

2 MR. STORM: Tyler Letey, special United States
3 attorney. Jim Bach, postal agent. Carrie Breed, who is an
4 IRS agent.

5 THE COURT: The defendant is Charles Nol on Bush.
6 Mr. Bush is represented by Paula Olson. Ms. Olson will
7 introduce Mr. Bush.

8 MS. OLSON: Good morning, ladies and gentlemen. This
9 is my client, Charles Nol on Bush, who pretty much goes by
10 Nol on Bush. And you won't hear him referred to as Charles.

11 THE COURT: Thank you. As I said, this is a criminal
12 trial in which the defendant is charged by indictment with
13 securities fraud, wire fraud, mail fraud, and money
14 laundering. The defendant has entered a plea of not guilty.
15 The indictment in this case is only an accusation against the
16 defendant which informs the defendant of the charge. You are
17 not to consider the filing of the indictment or its contents
18 as proof of the matters charged.

19 It is your duty to determine the facts in this case from
20 the evidence produced in court. It is also your duty to
21 accept the law from the Court regardless of what you
22 personally believe the law is or ought to be. You are to
23 apply the law to the facts and in this way decide the case.

24 Now, a defendant is presumed innocent. This presumption
25 continues throughout the entire trial. The burden of proof

1 is on the government until the very end of the case. The
2 defendant has no burden to prove his innocence or present any
3 evidence or to testify. Since the defendant has the right to
4 remain silent, the law prohibits you from arriving at your
5 verdict by considering that the defendant may not have
6 testified.

7 Finally, the government must prove the defendant's guilt
8 beyond a reasonable doubt. I will give you further
9 instructions on this point later. Bear in mind, in this
10 respect a criminal case is different than a civil case.

11 Now I am going to ask you general questions touching on
12 your qualifications to serve on this jury. Before I do, I
13 would like each one of you to stand. And Jean will put the
14 board up. There's a list of questions that give us an
15 opportunity to meet you. Can everybody see that? This is an
16 opportunity for us to get to know you.

17 Ms. Kennedy, you're first. If you would stand and tell us
18 about yourself.

19 PROSPECTIVE JUROR: I'm Christina Kennedy. I'm a
20 parent of three children. Six-year-old, seven-year-old, and
21 a 13-year-old. I am a business analyst with Safeco
22 Insurance. My hobbies include being a parent. And I have a
23 spouse who started working at Lowe's as an installment
24 manager.

25 THE COURT: Now, let me tell you I always throw in an

1 additional question because as a trial lawyer I always wanted
2 to know who wanted to be here and who didn't want to be here.
3 It's not outcome determinative. So saying you would rather
4 be somewhere else isn't going to get you anything. But it is
5 important for the lawyers to know who wants to be here.

6 Would you like to serve as a juror?

7 PROSPECTIVE JUROR: Yes.

8 I would like to expound upon that. If I were on trial, I
9 would want me as a juror. So in that way I would like to
10 stay here.

11 THE COURT: Okay. Thank you.

12 Ms. Anderson?

13 PROSPECTIVE JUROR: I am Denise Anderson. I'm a
14 self-employed independent insurance agent. I also hold
15 recently a mortgage loan officer license. My husband is a
16 machinist. 31 years with Boeing. I have two adult children.
17 One who is 28 and works for me in my office. And my son who
18 is 19 and is currently unemployed. Construction.

19 THE COURT: Would you like to serve on the jury?

20 PROSPECTIVE JUROR: Yes, I would.

21 THE COURT: Thank you.

22 Ms. Mordick?

23 PROSPECTIVE JUROR: Rachel Mordick. I am from Lewis
24 County. Chehalis area. My husband and I are the only two in
25 our family. And I work for a bank. I'm a personal banker

1 and he works for Safeway as a manager. Special interest, I
2 play tennis and piano.

3 THE COURT: Great. Would you like to serve --

4 PROSPECTIVE JUROR: I would like to serve.

5 THE COURT: Thank you.

6 Mr. Harriman?

7 PROSPECTIVE JUROR: Clark T. I go by Tom. I'm from
8 Vancouver. Married with adult children. Four grandchildren.
9 Retired from the Oklahoma Department of Current Technology
10 and Education. Interest would be golf and working in and
11 around the house.

12 THE COURT: Would you like to serve?

13 PROSPECTIVE JUROR: Yes, I would.

14 THE COURT: Thank you.

15 Ms. Lassiter?

16 PROSPECTIVE JUROR: Kathryn Lassiter. I go by Kathy.
17 I'm married. My husband and I are both retired. We have two
18 grown children. Live in Clark County. And yes, I would like
19 to serve.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR: Lynn Leslie. I have four
22 children. I live in Gig Harbor. I have four grown children.
23 Special hobbies? Golf. Vacationing. My husband is a
24 machinist also and minutes away from retiring.

25 THE COURT: Would you like to serve?

1 PROSPECTIVE JUROR: Yes. The pay is better than my
2 business.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: My name is Jean Yackerly. I am
5 from Centralia, Washington. I'm a lifetime resident of Lewis
6 County. I'm self-employed. Sole business owner. I have two
7 dogs. I think that should count as family. Special
8 interest, I like to garden.

9 THE COURT: Would you like to serve?

10 PROSPECTIVE JUROR: Yes, I would.

11 THE COURT: Ms. Doue?

12 PROSPECTIVE JUROR: Yes. Doue. Deborah Doue is my
13 name. I am a self-employed massage therapist. I am from
14 Port Orchard. And my hobbies are skiing and yard
15 maintenance.

16 THE COURT: Would you like to serve on the jury?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Mr. Little?

19 PROSPECTIVE JUROR: Gary Little. I'm from Olympia,
20 Washington. And I am not employed. I am retired. And my
21 family, got three girls. They're -- one is 47, one is 30,
22 and one is 32. My special interest is, well, many. I can't
23 name them all. And my activities is hunting and playing
24 baseball.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR: Marjorie Mulqueeny. I live in
2 the Lakebay area. I am employed by Sedeco. My husband is
3 retired. Two grown sons, daughter-in-law, and two grandsons.
4 I like to garden. I like to travel. And it's interesting to
5 serve on a jury, but I have been called to jury duty three
6 times in the last five years.

7 THE COURT: Do you feel reluctant to say yes?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: Ms. Cohen?

10 PROSPECTIVE JUROR: I'm Carolyn Cohen. I've lived in
11 Tacoma all my life. I work for the Tacoma Public Library as
12 a library associate. I live alone. Well, I live with a mean
13 cat. And I am political junky. News junky. I like to read.

14 THE COURT: Would you like to serve on the jury?

15 PROSPECTIVE JUROR: Yes. My civic duty. But I would
16 really rather not this time.

17 THE COURT: Ms. Irish?

18 PROSPECTIVE JUROR: I am from Bremerton and I live
19 with my mom and step-dad. I work at a daycare. And I also
20 deliver newspapers. And I really rather not be here.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR: Caroline McElwee. I go by Carol.
23 I am a part-time page at Tacoma Public Library. I'm a widow.
24 I live with a 15-year-old cat. And I have -- I have five
25 grandchildren and ten grandchildren. And I figure it's my

1 duty to be here. I would serve.

2 THE COURT: Thank you.

3 Ms. Dupree?

4 PROSPECTIVE JUROR: My name is Carolyn Dupree. I go
5 by Cathy. I live in Puyallup. I have lived here all my
6 life. I have a husband and two grown children. I like to
7 fish.

8 THE COURT: Everybody will have -- did I ask you the
9 question about whether you would like to serve on the jury?

10 PROSPECTIVE JUROR: Yes, I would.

11 THE COURT: Everybody will have to keep their voice
12 up so the Court Reporter can hear you.

13 Mr. Piccolotto.

14 PROSPECTIVE JUROR: Dennis Piccolotto. And I live in
15 Olympia. Divorced. Self-employed. And wholesales. And one
16 son. 29-year-old school teacher. And I like to go fishing
17 and ride motorcycles. And I don't want to be here, but I am
18 here because it's my civic duty.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR: I'm Craig Ayers. I live in
21 Bonney Lake. I work for Pilchuck Contractors. I'm a
22 superintendent for -- we do all PSE work. I have got three
23 kids. 12, 10 and 7. So my hobbies are running them to
24 soccer and baseball every night. And I like to play golf.
25 And yes, I would like to serve.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR: Name's Melissa Van Kooten. I'm
3 from Centralia, Washington. I have a little boy who is
4 almost three. I'm a mail lady. I like to garden. I like to
5 camp. And I am happy to serve.

6 THE COURT: Mr. Gallagher?

7 PROSPECTIVE JUROR: Steven Gallagher. I live in Mill
8 Creek. Work for Boeing Company. I have got a wife who is a
9 teacher, and a fourth and fifth grade boy. Two boys. I like
10 to go camping. Play golf. I would like to serve.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR: Mr. Knox. John Knox. I live in
13 Tacoma. Work for Skyline Mail Carriers. Run the company.

14 THE COURT: Thank you.

15 Ms. Britton?

16 PROSPECTIVE JUROR: Gini Britton. I live in Olympia.
17 I work for Investors Institution review board. I'm married.
18 My husband is a paramedic, firefighter, fire commissioner,
19 and plays in a country band. Special interests are breaking
20 down band equipment. Would be riding horses.

21 THE COURT: Would you like to serve?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Ms. Hall?

24 PROSPECTIVE JUROR: I'm Lynette Hall. I am from
25 University Place. I have been a teacher for 23 years.

1 Special education. I have two children. My daughter is a
2 teacher and my son just graduated from college. My special
3 interest is my brand-new granddaughter, who is six months
4 old.

5 THE COURT: Would you like to serve?

6 PROSPECTIVE JUROR: I would love to because I never
7 have.

8 THE COURT: Thank you.

9 Mr. Daniel?

10 PROSPECTIVE JUROR: Eugene Daniel. My wife and I
11 reside in Olympia. I am retired. My special interest right
12 now is raising money for the VA hospital down in Lakewood.
13 And I have no problem serving.

14 THE COURT: Great.

15 Mr. Protsman?

16 PROSPECTIVE JUROR: Shawn Protsman. I live in
17 Olympia. My employer is Townsend Security Solutions. I have
18 six children ranging from 2 to 13. My interests are my
19 children, my wife. And I enjoy reading history. Especially
20 military history. That pretty much consumes all my time. I
21 would like to serve, but not at this time.

22 THE COURT: Okay. Mr. Contris?

23 PROSPECTIVE JUROR: Mark Contris. I live in Olympia.
24 I am the locksmith for the State of Washington campus. I
25 have two 12-year-old children. Special interest, concrete

1 fabrication. Hobbi es are concrete fabri cation. And yes, I
2 woul d like to serve.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR: I am Howard Hama. I live in
5 Tumwater. My empl oy er is Thurston County. I 'm a water
6 resource special ist. I 'm single. Special interest,
7 honestl y, is geology. I would like to serve.

8 THE COURT: Great.

9 Mr. Kul sich?

10 PROSPECTIVE JUROR: Anthony Kul sich. I live in
11 Hoquiam, Grays Harbor. Empl oy ed by Westport Shi pyard.
12 Marine electrician. And not married. I don't have any kids.
13 I like to snowboard, play softball .

14 THE COURT: Woul d you like to serve?

15 PROSPECTIVE JUROR: Not real ly.

16 THE COURT: Okay. Thanks.

17 Mr. Patterson?

18 PROSPECTIVE JUROR: Duane Patterson. I live in Roy,
19 Washington. Empl oy er is Conoco-Phil ips. Married. Have
20 three kids. My wife is a contract empl oy ee for the
21 U. S. Postal Service. Special interest, church. And hobbi es
22 are baseball . Woul dn't mind serving.

23 THE COURT: Great. Thank you, very much.

24 Mr. Perry?

25 PROSPECTIVE JUROR: Good morni ng. I 'm Phi l Perry.

1 I'm from Yelm. I'm senior pastor at Prairie Baptist
2 Fellowship. My wife is a school teacher. I have three girls
3 ages 10, 7, 5. I like to golf. I am a soccer coach. And I
4 consider jury service right up there with voting. It would
5 be my privilege.

6 THE COURT: Thank you.

7 Ms. Rosewood?

8 PROSPECTIVE JUROR: I'm Deborah Rosewood. I live in
9 Longview. I go to school full time at Aurora County College.
10 I am divorced. I have a seven-year-old son. And homework is
11 my hobbies. No, I do not want to serve at this time.

12 THE COURT: Okay.

13 Mr. Taylor?

14 PROSPECTIVE JUROR: Kenneth Taylor. I live in
15 Vancouver. And I am a licensed real estate agent. State of
16 Oregon. I have a very-soon-to-be 16-year-old daughter who
17 would fall into the category of special interest. And
18 activities, I enjoy golf. Yes, it would be my privilege to
19 serve.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR: I am Dick Hybak. I am from
22 Tacoma last five years. Basically born and raised in
23 Washington. Retired police lieutenant from Seattle Police
24 Department. My wife and I are retired. We have two grown
25 children and one little granddaughter. And I like playing

1 gol f. I would have no problem serving.

2 THE COURT: Ms. Lause?

3 PROSPECTIVE JUROR: I am Shelley Lause. I live in
4 Bremerton. And I am a recruiter for Tacoma Community
5 College. I have a three-year-old active boy. I'm a single
6 parent. And he's my big hobby. I like being outdoors. I
7 would love to serve.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR: Mr. Carol Schrader. And I live
10 in Puyallup. I'm retired from the State of Washington. I
11 have three adult children. Special interest are I like water
12 aerobics, walking my dog. I belong on a senior bowling team.
13 This is my fourth summons, so I really don't want to serve.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR: Ron Ruby. I live here in Tacoma.
16 Retired. Last five years been with the Washington State
17 Department of Corrections. I live alone. I'm divorced.
18 Special interest, I go to the gym a lot and I play banjo
19 with the banjo club.

20 THE COURT: Would you like to serve --

21 PROSPECTIVE JUROR: Yes, I would be okay.

22 THE COURT: Ms. KI ooz?

23 PROSPECTIVE JUROR: I'm Carol KI ooz. I live in Port
24 Orchard. And I am retired from business. General practice
25 in Des Moines. And I have three children, adult children.

1 And my husband is retired. My special interest is working in
2 my yard and baking. Activities, going camping.

3 THE COURT: Would you like to serve?

4 PROSPECTIVE JUROR: I would really like to serve, but
5 I have a back problem. I don't think I can sit too long.

6 THE COURT: Okay. We'll clear that later. There are
7 questions I will ask you about that.

8 Ms. Neeland?

9 PROSPECTIVE JUROR: Diana Neeland. I'm married. My
10 husband is a machine operator at Boeing. I have four
11 children. Two boys. Two girls. Three are out of the house.
12 One still lives at home with us. I have three dogs that live
13 with us. Sometimes five, depending on my children's dogs.
14 And special interest are baking, sewing, quilting, gardening,
15 running children around. Would I like to serve? It doesn't
16 matter either way.

17 THE COURT: Thanks.

18 Mr. Paplow?

19 PROSPECTIVE JUROR: I'm Dave Paplow. I work for the
20 State of Washington. I've lived in Tacoma all my life. I
21 work with special interest children. Rainier School. I have
22 been there 38 years. My wife sells Prepaid Legal. I have
23 three kids. Two out of the house. One 39. One 24. And I
24 have a young one, 13, still at home. My special interest are
25 swimming. I am in recreation. I do a lot of different

1 recreation-type things, special activities. Hobbi es,
2 fishing.

3 THE COURT: Great.

4 PROSPECTIVE JUROR: I would like to serve. I have
5 never served.

6 THE COURT: Mr. Benson?

7 PROSPECTIVE JUROR: Brian Benson. I live in Olympia,
8 Washington. I'm a web application developer for educational
9 services. I'm married. My wife is going to school full time
10 at Evergreen State College and also working at JCPenney. I
11 like music. Interested in science, technology, current
12 events, and I play the drums.

13 THE COURT: Would you like to serve?

14 PROSPECTIVE JUROR: Why not?

15 THE COURT: Mr. Guerrero?

16 PROSPECTIVE JUROR: Kyle Guerrero. I live in Port
17 Orchard. Originally from Guam. Diagnostic technician for
18 Toyota. Special interest, right now PV football. We're
19 doing better than the Seahawks. And my activities, hobbies
20 are sports and music. And I would want to serve. It doesn't
21 matter.

22 THE COURT: How long have you been --

23 PROSPECTIVE JUROR: Four years.

24 THE COURT: We held court there for a couple of
25 weeks. It's a beautiful island.

1 Ladies and gentlemen, at this time I am going to ask you a
2 few questions touching on your qualifications to sit upon a
3 jury, this jury. Please do not relate any specific thing you
4 may have heard concerning the case, but raise your hand if
5 you would answer yes or probably to any of the following
6 questions.

7 And let me just sort of, by way of preface, tell you what
8 we're looking for are people who, because of personal
9 relationships -- they may not be a witness or more than one
10 witness or they may not be a lawyer or the judge or something
11 that would be a potential difficulty in being a fair and
12 impartial juror. Their life experience may be so close to
13 the facts that are going to be developed in this particular
14 trial that they would not be an ideal juror. They would have
15 questions about their ability to be fair and impartial.
16 Their beliefs, strongly held beliefs might make them less
17 than ideal for a particular case.

18 So we're not looking for -- there is no such thing as an
19 ideal juror. There are just jurors who, given a particular
20 case, are better suited because they're more likely to come
21 in without prejudices or biases or preconceived notions that
22 would otherwise influence the decision-making process.

23 So we ask you these questions, like I say, not to pry, but
24 we need your candid responses. And I will usually follow up
25 by asking you whether or not the relationships or your life

1 experience or your training or what have you, whether or not
2 that would cause you to doubt your ability to be fair and
3 impartial. I want you to reflect on that question. But that
4 will usually be -- that's usually the punch line.

5 All right. I am going to read to you a brief statement of
6 the case. We've tried to make this as plain vanilla and
7 adjective-free just to give you a background in the case.

8 Charles Nol on Bush, director of Cornerstone Institute, is
9 charged with many counts of securities fraud, wire fraud,
10 mail fraud, and transactional money laundering.

11 The government contends that between the period of about
12 December 1998 through some time in January 2002 Nol on Bush
13 used interstate commerce in the mails to obtain investment
14 funds from people. The government also alleges Mr. Bush used
15 false information and misleading promises of high returns,
16 motivating people to invest a total of about \$35 million in
17 various corporate entities.

18 The government also alleges that Mr. Bush diverted
19 approximately two-thirds of these investments to purposes
20 other than investing, including supporting his own lifestyle.

21 The government further alleges that Mr. Bush engaged in a
22 classic Ponzi or pyramid scheme in order to promote the
23 scheme. Mr. Bush allegedly used funds from some investors to
24 pay others, knowing that those investors would tell others
25 about the apparent investment opportunity. Most investors

1 lost their principle investment and did not receive any
2 interest or dividend payments.

3 Mr. Bush denies all these allegations and contends that he
4 operated as a religious society under the principle of a
5 corporation sole. A corporation sole is a type of
6 corporation for religious societies.

7 Mr. Bush further contends that he was offering people the
8 opportunity to loan his religious society money evidenced by
9 a promise or a note in order to participate in charitable
10 projects. Those projects included a resort in Mexico to help
11 underprivileged people and provide jobs and other necessary
12 services, as well as a retreat for women suffering from
13 domestic violence.

14 So that tells you a little about the case.

15 Has anybody here heard about this case before?

16 PROSPECTIVE JUROR: I heard.

17 THE COURT: Ms. Mulqueeny, under what circumstances
18 do you think you heard about this case?

19 PROSPECTIVE JUROR: News or paper. And just about
20 what you said is about what I heard.

21 THE COURT: Did your reading or hearing about this
22 case cause you to reach any preconceived notion about what
23 the actual facts are?

24 PROSPECTIVE JUROR: No.

25 THE COURT: As you sit here today do you believe one

1 side is wrong and one side is right, or would you be able to
2 listen to the testimony and come to your own conclusion based
3 on the evidence?

4 PROSPECTIVE JUROR: I could listen to the testimony
5 and come to my own conclusions.

6 THE COURT: All right. Anybody else who thinks
7 they've heard about this case?

8 Mr. Piccolotto?

9 PROSPECTIVE JUROR: I read something about it in the
10 newspaper. I can't remember the exact details, but it did
11 sound familiar.

12 THE COURT: Anything about what you may have read or
13 heard that causes you to doubt your ability to be fair and
14 impartial?

15 PROSPECTIVE JUROR: I think I will be okay with it.

16 THE COURT: Anybody else?

17 Has anyone ever expressed to either of you an opinion
18 about this case?

19 Mr. Piccolotto?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Do any of you know Mr. Bush? Anybody
22 know Mr. Bush?

23 How about the lawyers or the agents that are sitting here?
24 Anybody know the judge or anybody sitting here at the front
25 of the courtroom.

1 Anybody know someone else who is on the panel?

2 PROSPECTIVE JUROR: Carol and I both work for Tacoma
3 Public Library.

4 THE COURT: Ms. McElwee and Ms. Cohen work at the
5 Library together.

6 PROSPECTIVE JUROR: We work at different libraries.

7 THE COURT: Are you close, personal friends or just
8 colleagues?

9 PROSPECTIVE JUROR: Just colleagues.

10 THE COURT: If you were both selected, would you be
11 sort of your own cabal? Would you be inclined, Ms. Cohen, to
12 give Ms. McElwee's comments greater credence than any of your
13 other fellow jurors merely because you know each other from
14 work?

15 PROSPECTIVE JUROR: No, I don't think so.

16 THE COURT: Same question for you, Ms. McElwee.

17 PROSPECTIVE JUROR: No.

18 THE COURT: You understand that I will give you
19 instructions about how you're to deliberate and listen, keep
20 your own counsel and make your own decisions and so forth and
21 so on? But the concern is if you know each other well, that
22 you may go in under the buddy system, and that's probably
23 inappropriate for a deliberations.

24 You don't have any concern about that?

25 PROSPECTIVE JUROR: We don't know each other that

1 well .

2 THE COURT: Okay. Well, you would if you were on a
3 jury after deliberating.

4 There is a long witness list. If you think you know
5 someone, raise your hand. We'll explore that. These are
6 people who may testify in this proceeding.

7 Judith Allison, Jason Bain, Courtney Benscoter, Cody Bly,
8 Carrie Breed, who you've met from the IRS. She's a special
9 agent with the IRS. William Brouillet, who is with B&C
10 Telecom. Steve Camp, who is with the Seattle Mariners.
11 Kathy Cartwright, who is a Qwest representative. Joe Chard,
12 who is with the Seattle Mariners. Wayne Collins of Collins
13 Plumbing. Richard Cox of Domestic International Consultants.
14 Yvonne Crepeau, C-R-E-P-E-A-U. Jeff Cryder, C-R-Y-D-E-R, of
15 Nu-Tech building company. Raymond Donohue. Bridgett Duffy.
16 This is a FBI cart -- Mr. Storm?

17 MR. STORM: Computer analyst.

18 THE COURT: She's with the FBI?

19 MR. STORM: Yes, Your Honor.

20 THE COURT: Thank you.

21 Harrison Fagg, F-A-G-G. Donald Fisher. Brian Fraisure,
22 F-R-A-I-S-U-R-E, of Fraisure Remodeling. David Franke,
23 F-R-A-N-K-E.

24 PROSPECTIVE JUROR: Is he with Boeing?

25 THE COURT: Pardon?

1 David Franke, is he at Boeing?

2 MR. STORM: Retired. Living in Eastern Washington.

3 THE COURT: Nope. Okay.

4 Edgar Ojin, American Express representative. Sherry
5 Golden of Mail Boxes Etc. Gina Hason with the Seattle
6 Mariners. Maryann Houkli of Touch of Health. Jessica Haukos
7 H-A-U-K-O-S, a U.S. Bank representative. Peter Hereld,
8 H-E-R-E-L-D. James Hollis, H-O-L-L-I-S, also a Mail Boxes
9 Etc. representative. Dorothy Hostetler. Adam Jay, a Wells
10 Fargo bank representative. William Kerr. Joseph Ladley.
11 Lance Lopes. Jason Luna. Andrew McKay, DFI.

12 MR. STORM: Washington State Department of Financial
13 Institutions.

14 THE COURT: Robert Mansueto. Suzy Marcello-Ripley.
15 Kenneth Marshal. Janice Marvel. Greg McCormick. Josh
16 McLaughlin. William Miertschin. Ruth Mizilak, a Banner Bank
17 representative. Kara Montplaisir, M-O-N-T-P-L-A-S-I-R, of
18 BBC Dodge. John Morris. Mark Mueller, Bronze Edition
19 Gallery. Jesse Munch. Darryl Offet. Tom O'Keefe. Michael
20 O'Neill of Michael O'Neill Interiors. Stan Pilkey, USPIS
21 analyst. Patty Rief. Starla Ryan. Angela Salazar,
22 Washington Mutual. Trenton Schmatz, FBI special agent.
23 Robert Shaw. Ajit Simha. Eugene Skinner, who is a Customs
24 and Border Patrol officer. Douglas Stephan, S-T-E-P-H-A-N.
25 Tammy Stuckey-Webb. Lorelei Tarsiuk. Melanie Tolley, AT&T

1 We release/Cingular representative. David Velander. Van Vlist
2 of Dick Vlist Motors. Edward Wallace of Harley-Davidson.
3 Tessie Waltman. Vicki Webster. Robert Werbick,
4 W-E-R-B-I-C-K. And, finally, Clayton Wible, who was an FBI
5 special agent.

6 All right. Nobody knows any of those folks?

7 Is there anyone here among you who would prefer not to sit
8 on a jury concerning a case of this kind? In other words,
9 that just the nature of the case is a reason for you not to
10 be here because of something in your background? Anybody?

11 Have you or a family member or close personal friend been
12 employed by the federal government, including the military?

13 This is where we get everybody talking here. Let's keep
14 the hands up.

15 Ms. Mordick? Yes. Who is employed by the government or
16 military?

17 PROSPECTIVE JUROR: My dad is with the U.S. Postal
18 Service and also with the military. He's a warrant officer
19 at Fort Lewis.

20 THE COURT: At Fort Lewis.

21 Ms. Lassiter?

22 PROSPECTIVE JUROR: My husband is retired from
23 Bonneville Power Administration. He was a logical engineer.

24 THE COURT: Ms. Doue?

25 PROSPECTIVE JUROR: Well, I was previously employed

1 by the Department of Agriculture.

2 THE COURT: Mr. Littlecot?

3 PROSPECTIVE JUROR: My uncle works for the
4 government. For the courthouse in Olympia.

5 THE COURT: State government down there?

6 PROSPECTIVE JUROR: Yes.

7 THE CLERK: Who else?

8 PROSPECTIVE JUROR: I was thinking about a long time
9 ago when my husband was in the service when he was young.

10 THE COURT: Ms. Irish --

11 PROSPECTIVE JUROR: My stepfather works for the
12 shipyard and my uncle works for postal.

13 THE COURT: Anybody else in the box?

14 On the bench, we've got Ms. Van Kooten.

15 PROSPECTIVE JUROR: I work for L&I.

16 THE COURT: Anybody in the front row?

17 Mr. Daniel?

18 PROSPECTIVE JUROR: I was in the Army 33 years.

19 THE COURT: Mr. Contris?

20 PROSPECTIVE JUROR: I work for the State of
21 Washington.

22 THE COURT: Okay. I passed over -- what do you do
23 for the State of Washington?

24 PROSPECTIVE JUROR: Locksmith.

25 THE COURT: That's right.

1 I passed over Mr. Piccolotto.

2 PROSPECTIVE JUROR: I served two years in the
3 U. S. Army.

4 THE COURT: Mr. Hama?

5 PROSPECTIVE JUROR: I am retired from the Army.

6 THE COURT: Retired Army.

7 Mr. Patterson?

8 PROSPECTIVE JUROR: My wife works for the U. S. Postal
9 Service. Contract labor.

10 THE COURT: All right. Mr. Perry?

11 PROSPECTIVE JUROR: Four-year Army veteran.

12 THE COURT: Very well.

13 Mr. Rosewood?

14 PROSPECTIVE JUROR: My brother and his wife are both
15 at Fort Lewis. My brother retired from U. S. Postal.

16 THE COURT: Mr. Ruby?

17 PROSPECTIVE JUROR: I was in the United States Army
18 for a couple years many years ago, and retired Army.

19 THE COURT: All right.

20 And then Mr. Paplow?

21 PROSPECTIVE JUROR: State of Washington recreational
22 specialist for Lynnwood school.

23 THE COURT: Right. Mr. Benson?

24 PROSPECTIVE JUROR: My wife's cousin currently.

25 ANOTHER PROSPECTIVE JUROR: My father is retired

1 military. He's a contractor with the Navy shipyard.

2 THE COURT: A number of you raised your hand when you
3 said you work for -- somebody close to you worked for the
4 postal department. Any of them work as inspectors for the
5 postal department as opposed to, say, a letter carrier or
6 some other function? Anybody who is in the investigative arm
7 of the postal service?

8 Let me tell you the reason we ask questions about
9 that on a case like this. You know from the list that there
10 are going to be some law enforcement. There is people who
11 testify who are from the government. There are going to be
12 some special agents from the Internal Revenue Service or from
13 other divisions or agencies within the government.

14 The important question is for those of you who raised your
15 hand, but it really applies to the rest of you as well.
16 Anybody here who thinks that somebody who testifies from the
17 government, either from law enforcement or some other agency,
18 that their testimony would be entitled to greater or lesser
19 credibility than a civilian merely by virtue of their
20 employment?

21 Anybody who thinks that, you know, they're from the
22 government; I don't believe them? Or they're from the
23 government; they wouldn't lie to us?

24 Anybody who comes with that -- all right. Thank you.

25 Have you or anyone close to you been employed by an

1 attorney or in some field of law in some capacity?

2 Again, here we're looking for -- obviously, the Court will
3 instruct you on the law. But it's important that when you go
4 in and deliberate, that everybody starts with sort of the
5 same -- the case is to be decided on the evidence you heard
6 in court. Not what you may know from going to law school
7 yourself or something like that.

8 Ms. Lassiter, tell me about your experience.

9 PROSPECTIVE JUROR: Back in around 1972 and '71, I
10 was a legal secretary for Legal Services in Seattle.

11 THE COURT: Okay. Anything about that employment
12 that causes you to have any qualms or apprehension about your
13 ability to be fair and impartial in a case of this type?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Anybody else?

16 A PROSPECTIVE JUROR: I work for Lacey Plywood. They
17 went into arbitration and they subpoenaed me. I had to step
18 between so many -- what do you call them?

19 THE COURT: Lawyers.

20 PROSPECTIVE JUROR: A lot of people that said they
21 would tell them what happened.

22 THE COURT: Okay. That's about the only time.

23 Then anybody else in the box?

24 Ms. Britton, I thought I saw your hand.

25 PROSPECTIVE JUROR: Back in high school, I worked

1 part time for district court.

2 THE COURT: Anybody else?

3 Ms. Dupree?

4 PROSPECTIVE JUROR: I worked as a security officer.

5 THE COURT: Security officer.

6 Anybody else?

7 All right. Mr. Taylor?

8 PROSPECTIVE JUROR: It's not employment. I have --
9 my father was a police officer, City of Portland, for 30
10 years. And I currently have a brother-in-law that is a
11 police officer.

12 THE COURT: Mr. Hybak?

13 PROSPECTIVE JUROR: I have got a couple friends that
14 are attorneys, and a nephew. And just in the business I work
15 in, I've consulted with them. I work with prosecutors and
16 attorneys.

17 THE COURT: Let me digress for a minute.

18 Is there anything about your employment -- or you're a
19 retired police lieutenant from the Seattle Police Department.
20 You're going to have -- if you're on this jury, you're going
21 to listen to law enforcement people testify.

22 Is there anything that gives you pause? If you were
23 Mr. Bush or the government, would you want somebody like you
24 on the jury?

25 PROSPECTIVE JUROR: I like to think, yeah, with an

1 open mind. I'm sure because of my dealings, I may listen a
2 little more to one side. But I try not to do that.

3 THE COURT: If I were to ask your best friend whether
4 you were a person who had a reputation for being open minded,
5 what would he or she say?

6 PROSPECTIVE JUROR: I think they would say yes.

7 THE COURT: Ms. Lause?

8 PROSPECTIVE JUROR: I was a file clerk for a law firm
9 for about six months 20 years ago.

10 THE COURT: Anybody else in the front row or in the
11 back row?

12 Okay. We're going to take a break. It may seem a
13 little early to you. We've been out here since a little
14 before 9:00. The hardest working person in the courtroom,
15 bar none, is the Court Reporter. And so I try at about an
16 hour and 15, hour and 20 minutes to take a little break so
17 that they can rest. And it's a good excuse for me, too.

18 So I am going to ask you to return to the jury assembly
19 room. It's absolutely important and vital that you not talk
20 about this case. You not talk about the jury selection
21 process or anything. I noted there are some of you that are
22 baseball players and fans. You can talk about -- well, you
23 can't talk about sports up here anymore, can you?

24 You can find something to talk about that is interesting.
25 But just don't talk about the case. And we'll bring you back

1 here. And this is going -- this will take a while. We're
2 going to go until we get a jury. Until we get 14 folks.
3 Then we can let everybody else go. So we may have a late
4 lunch for you. I think it's better that we just slog through
5 and get this process over. And before lunch, if we bog down
6 too much, then maybe I will rethink that.

7 If you would retire to jury assembly room, we'll get back
8 to you in 10, 12 minutes.

9 (Short recess taken.)

10 THE COURT: Anything we need to take up before we
11 take the break?

12 MS. OLSON: Not from defense.

13 THE COURT: Court in recess.

14 (Court in recess.)

15 THE COURT: Please be seated.

16 Anything we need to take up before the jury comes back?

17 MR. STORM: No, Your Honor.

18 THE COURT: All right.

19 (Jury enters the courtroom.)

20 THE COURT: Please be seated.

21 Ladies and gentlemen, let me just tell you that part of
22 our tradition in this court and in most perhaps every
23 courthouse in America, when the jury comes in, when the jury
24 leaves, lawyers, litigants stand out of respect for the
25 awesome responsibility of jurors and the important role they

1 play in our civil and criminal justice system. That's why we
2 don't pipe you in like on the ships or we don't play ruffles
3 and flourishes. We do stand and wait until you're in your
4 place before we sit.

5 All right. Have you or a family member or close personal
6 friend had a bad experience with a police officer or someone
7 in law enforcement? Anybody here that has had an experience
8 that just -- I don't like cops and this is why? I don't like
9 people in law enforcement and this is why? Anybody?

10 PROSPECTIVE JUROR: I have supervised one or two
11 employees with the Department of Corrections.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: Not in an adversarial way.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR: They were arrested.

16 THE COURT: I take it that wouldn't -- that hasn't --
17 because of the nature of the work, because you knew other
18 people who were in law enforcement who you did have respect
19 for --

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: -- you don't have a jaundiced view one
22 way or another?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Great.

25 Have you or a family member or close personal friend been

1 the victim of a crime? Who here has been the victim of a
2 crime? Again, we're looking for people who might --

3 Mr. Harriman?

4 PROSPECTIVE JUROR: My mother had her purse stolen in
5 New Orleans. That's been it.

6 ANOTHER PROSPECTIVE JUROR: Someone got a hold of our
7 credit card number. But we didn't personally lose any money
8 off it because the credit union called.

9 THE COURT: Ms. Anderson?

10 PROSPECTIVE JUROR: I have had my place of employment
11 broke into twice and my home has had things stolen from it.

12 THE COURT: Anything about that experience that would
13 cause you to come here as a juror and sort of, you know, have
14 a preconceived notion that defendants are bad or --

15 PROSPECTIVE JUROR: No. I wish they would have
16 caught them.

17 THE COURT: Sure. But you think you can be fair and
18 impartial here notwithstanding what happened to you in your
19 business?

20 PROSPECTIVE JUROR: Yes, I can.

21 THE COURT: Mr. Little?

22 PROSPECTIVE JUROR: I had my house broken into twice.
23 I didn't really -- it really makes you feel like you've
24 really been vandalized. And it wasn't right. The sheriff
25 come and investigated it. Kind of disappointing, some

1 people, what they say and what they do.

2 THE COURT: Right. Anything, again, about that
3 experience that would cause you to doubt your ability to be
4 fair and impartial in a case of this type?

5 PROSPECTIVE JUROR: I really don't know.

6 THE COURT: Well, again, if I were to ask your best
7 friend whether you had a reputation for being open minded,
8 what would they tell me?

9 PROSPECTIVE JUROR: I don't know.

10 THE COURT: Do you think you could listen to the
11 evidence and make up your own mind based on --

12 PROSPECTIVE JUROR: I think so.

13 THE COURT: -- your common sense?

14 PROSPECTIVE JUROR: I think so.

15 THE COURT: All right. Anybody else in the box that
16 has -- Ms. Mulqueeny?

17 PROSPECTIVE JUROR: Someone broke in my son's car.
18 Took my son's speakers trying to get his radio. Really
19 didn't take much of mine.

20 THE COURT: Wouldn't influence you here? All right.

21 Ms. McElwee?

22 PROSPECTIVE JUROR: I had the garage broken into and
23 things taken out of my car. And also my lawn mower off my
24 patio, that I had to buy a new lawn mower. And my house
25 broken into quite a few times like 20 years ago.

1 THE COURT: Anything about that that would influence
2 your ability to be impartial here?

3 Ms. Dupree, did you have your hand up?

4 PROSPECTIVE JUROR: I had my vehicle stolen and I
5 have been assaulted.

6 THE COURT: Anything about that that would cause you
7 to doubt your ability to be fair and impartial in a case like
8 this?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Mr. Piccolotto?

11 PROSPECTIVE JUROR: I had my business broken in half
12 a dozen times over the years. A burglar went in there. And
13 I still get the occasional break-in anyway.

14 THE COURT: Right.

15 Anybody else on the this side of the room? Okay.

16 Mr. Ruby first.

17 PROSPECTIVE JUROR: I have been burglarized in the
18 last 12 years three times.

19 THE COURT: Again, anything about that experience
20 that would cause you to doubt your ability to be fair and
21 impartial in a case of this type?

22 PROSPECTIVE JUROR: I don't think so.

23 THE COURT: Mr. Paplow, did I see your hand up?

24 PROSPECTIVE JUROR: I haven't been broken into. They
25 broke into my backyard, taken my lawn mower. I went out one

1 morning and my wife that said my trunk is gone. And they
2 took the trunk off the car. Of her car. Six months later go
3 out to my car, they took my hood this time.

4 THE COURT: What's the old song? One piece at a
5 time?

6 PROSPECTIVE JUROR: They didn't take the car. They
7 took the pieces.

8 THE COURT: I think there is a Johnny Cash song about
9 that.

10 PROSPECTIVE JUROR: I was sort of amazed that they'd
11 do something like that.

12 THE COURT: Anything about that experience that would
13 cause you to doubt your ability to be fair and impartial in a
14 case of this type?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Ms. Lause, you had your hand up?

17 PROSPECTIVE JUROR: My car was broken into.

18 THE COURT: Okay. Any impact on your ability to be
19 fair and impartial as far as you're concerned?

20 PROSPECTIVE JUROR: No. Like I said, it happened...

21 THE COURT: Mr. Benson, did you raise your hand?

22 PROSPECTIVE JUROR: My grandmother has had some
23 identity theft problems a couple times. Recently, people
24 called her on the phone and tell her she won a trip and get
25 her Social Security number and stuff like that. She lost a

1 lot of money out of that deal.

2 THE COURT: Anything about that experience that would
3 cause you to doubt your ability to be fair and impartial in a
4 case of this type?

5 PROSPECTIVE JUROR: I don't think so. I suppose it
6 might color my viewpoint if anything happens over the phone.
7 Kind of like that, but...

8 THE COURT: Well, there may be some follow-up
9 questions. But basically you think you could listen to the
10 evidence and apply the law as the Court gives it to you and
11 use your common sense in reaching a fair result?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: You think you're pretty good at that?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Mr. Guerrero, did you have your hand up?

16 PROSPECTIVE JUROR: No.

17 THE COURT: I'm sorry. Mr. Taylor and Mr. Hybak?

18 PROSPECTIVE JUROR: A couple car vandalism over the
19 years. I had my wallet stolen out of a locker one time where
20 my credit cards were used. But nothing that would influence
21 my ability.

22 ANOTHER PROSPECTIVE JUROR: Burglary back in the
23 early '70s. Vehicle was broken into.

24 THE COURT: Don't think it would impact your ability
25 to be fair and impartial here?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Have you, a family member, or close
3 personal friend been arrested or accused of a crime? This is
4 a question -- you can tell why we ask the question. We don't
5 want anybody who is favorable for law enforcement necessarily
6 or favorable for defendants.

7 Ms. Anderson?

8 PROSPECTIVE JUROR: My brother had been arrested and
9 spent time in jail for meth use.

10 THE COURT: Anything about that experience that would
11 cause you to doubt your ability to be fair and impartial in a
12 case of this type?

13 Did you say family members?

14 PROSPECTIVE JUROR: My ex-husband was arrested.

15 THE COURT: Anything about that that would cause you
16 to not be fair and impartial?

17 ANOTHER PROSPECTIVE JUROR: No.

18 ANOTHER PROSPECTIVE JUROR: Brother. Drug use.

19 THE COURT: Back row?

20 PROSPECTIVE JUROR: Uncle was indicted for gambling
21 in Hawaii. Running gambling.

22 THE COURT: Ms. Rosewood?

23 PROSPECTIVE JUROR: My ex-husband is a felon.

24 THE COURT: What was the nature of the felony?

25 PROSPECTIVE JUROR: A lot of them.

1 THE COURT: Is there a particular kind?

2 PROSPECTIVE JUROR: Assault and robbery.

3 THE COURT: Anything about that experience that would
4 cause you to doubt your ability to be fair and impartial in a
5 case like this?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Do you think you can keep an open mind
8 and wait to hear all the facts before you make up your mind?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Mr. Neel and and Mr. Paplow?

11 PROSPECTIVE JUROR: 15 years ago, arrested for a drug
12 bust.

13 THE COURT: Anything about that that would cause you
14 to doubt your ability to be fair and impartial to either
15 side?

16 PROSPECTIVE JUROR: It was my ex-husband.

17 THE COURT: Ms. Paplow? Mr. Paplow?

18 PROSPECTIVE JUROR: My son has been arrested. And he
19 has felonies. He's on probation until February or something
20 like that.

21 THE COURT: What were the nature of the crimes?

22 PROSPECTIVE JUROR: Growing pot or something.

23 Then the other one was having guns in the house. But I
24 tried to explain to him they're my guns. I never got the
25 guns back. Things happen. That's the way it is. I don't

1 have anything -- I don't hold anything against him.

2 THE COURT: I take it you wouldn't enter into this
3 proceeding with any preconceived notions either for or
4 against one side or the other here?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Anybody else?

7 Who here has been a party to a lawsuit?

8 Now we want to find out who has a prior relationship
9 with the Court system.

10 Mr. Kennedy?

11 PROSPECTIVE JUROR: I was in an injury lawsuit.

12 THE COURT: Anything about that experience that would
13 affect your ability to be fair and impartial?

14 PROSPECTIVE JUROR: No, not at all.

15 THE COURT: Mr. Harriman?

16 PROSPECTIVE JUROR: Small claims court. Renter
17 hadn't paid their fees.

18 THE COURT: Anybody else?

19 Ms. Cohen?

20 PROSPECTIVE JUROR: It was in Tacoma. I had a
21 summary judgment to not have public documents --

22 THE COURT: It had to do with the Freedom of
23 Information Act --

24 PROSPECTIVE JUROR: Documents. State law. Not
25 federal law. It was information of employees.

1 THE COURT: Anybody else in the box? How about on
2 this side?

3 PROSPECTIVE JUROR: I have had a couple lawsuits in
4 business.

5 THE COURT: Any of those experiences that would carry
6 over here and impact your ability to be fair and impartial
7 because you don't think much of the way we resolve disputes
8 in this country or any other reason?

9 PROSPECTIVE JUROR: I didn't like the verdict.

10 THE COURT: Okay. You think that would influence
11 you --

12 PROSPECTIVE JUROR: Probably not.

13 THE COURT: All right. Anybody else on this side of
14 the room?

15 Ms. Paplow?

16 PROSPECTIVE JUROR: I have been in several car
17 accidents and stuff like that. But they've all been resolved
18 out of court. I don't have any qualms.

19 THE COURT: Anybody else?

20 PROSPECTIVE JUROR: Your Honor, I am sorry.
21 Mr. Ruby. I have been sued several times -- I can't remember
22 how many -- by inmates in prison. But I would be one of
23 many.

24 THE COURT: Right. Anything about those experiences
25 that --

1 PROSPECTIVE JUROR: Well, maybe a pain. But other
2 than that, just time consuming. Wouldn't prejudice me.

3 THE COURT: Do any of you know anything or have you
4 heard, seen, or read anything about any of the following
5 entities? Hulaman Management Services, Global Domination
6 Financial Services, Cornerstone Institute? Any of you been
7 involved in Amway?

8 Ms. Lassiter?

9 PROSPECTIVE JUROR: We did Amway for a couple years
10 probably about 25 years ago.

11 THE COURT: Anything about that experience, if there
12 is an issue about multilevel marketing, that would cause
13 you -- I mean, did you have a bad experience, good
14 experience, neutral?

15 PROSPECTIVE JUROR: Neutral experience.

16 THE COURT: Nothing about that would cause you to
17 doubt your ability to be fair and impartial in a case like
18 this?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Ms. Mulqueeny, did you raise your hand?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You were involved with Amway?

23 PROSPECTIVE JUROR: Short time.

24 THE COURT: How long?

25 PROSPECTIVE JUROR: It's been quite a while ago. It

1 was a short time.

2 THE COURT: Anything you bring away from that
3 experience positive?

4 PROSPECTIVE JUROR: Neutral.

5 THE COURT: You didn't suffer any financial losses as
6 a result, or did you?

7 PROSPECTIVE JUROR: I really didn't make anything off
8 it. Short time.

9 THE COURT: Anybody else in the box?

10 How about over on this side? Anybody over here?

11 Ms. Lause?

12 PROSPECTIVE JUROR: 15 years ago my husband and I
13 were maybe 20 bucks -- try to help --

14 THE COURT: Right.

15 Your experience was good, bad, indifferent? Pardon?

16 PROSPECTIVE JUROR: Just neutral.

17 THE COURT: Anything about your experience, again,
18 cause you to be -- to doubt your ability to be fair and
19 impartial?

20 PROSPECTIVE JUROR: Not really.

21 THE COURT: Has anybody here been involved in any
22 form of multilevel marketing? I mentioned Amway.

23 Anybody else?

24 PROSPECTIVE JUROR: Mary Kay. I did that part time
25 for probably a couple years.

1 THE COURT: Good, bad, anything that would cause you
2 to --

3 PROSPECTIVE JUROR: No. Just part time.

4 THE COURT: -- be concerned about your ability to be
5 fair here?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Anybody else?

8 Mr. Paplow?

9 PROSPECTIVE JUROR: My wife is involved in Prepaid
10 Legal. And no problems at all with that.

11 THE COURT: Mr. Ruby?

12 PROSPECTIVE JUROR: I really had to search, I listen to
13 some of the other people. In my early 20s, it was -- I can't
14 remember. It's been so darn long. I bought a money order.
15 You put that in. You had a chance of getting a couple
16 hundred backs back. I had forgotten all about that.

17 THE COURT: Okay. I guess -- I mean, it's deep
18 enough in your memory that you don't think it would have an
19 impact?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: It's been so long.

23 THE COURT: Anybody here been involved in any form of
24 network marketing? By that I mean networking, you know, you
25 get a friend to get a friend to get a friend to bring them in

1 to an investment plan or some other marketing program.

2 Anybody?

3 Do any of you or any member of your immediate family or
4 any of your close friends have any training or education or
5 experience in the field of banking, finance, or accounting?

6 We had a couple of people here in banking and so forth.

7 So we'll start with Ms. Kennedy and Ms. Anderson.

8 PROSPECTIVE JUROR: I was in the insurance industry.

9 THE COURT: Ms. Anderson?

10 PROSPECTIVE JUROR: I am in the insurance industry.
11 And I know people who held security licenses. Just a lot of
12 insurance agents. I never have had a security license.

13 THE COURT: Have you ever had specific training in
14 securities law? The 1933 Act or the 1934 Securities and
15 Exchange --

16 PROSPECTIVE JUROR: No. I have a personal banking
17 license, security license series at Wells Fargo bank.

18 THE COURT: Again, do you think that you could
19 separate from your mind your own specific relationship to the
20 investment industry and listen to the facts of this
21 particular case and make your decision based on the law and
22 your own common sense?

23 PROSPECTIVE JUROR: Uh-huh (affirmative).

24 THE COURT: You think so?

25 PROSPECTIVE JUROR: Yes.

1 ANOTHER PROSPECTIVE JUROR: Going back to the last
2 question. Networking. I do work with a financial service
3 where you meet different people and then you would bring them
4 in if they wanted to do that type of work. And I was in
5 maybe six months.

6 THE COURT: Okay. Again, good, bad, indifferent kind
7 of response?

8 PROSPECTIVE JUROR: Neutral. I quit because you had
9 to do a lot of traveling. I didn't want to do that.

10 THE COURT: Nothing, I take it then, about that
11 experience that would give you pause about your ability to be
12 a fair juror --

13 PROSPECTIVE JUROR: No.

14 THE COURT: -- to either side here?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Anybody else in the box?

17 Ms. Irish?

18 PROSPECTIVE JUROR: My mom is a bookkeeper.

19 THE COURT: You don't talk accounting at home?

20 PROSPECTIVE JUROR: It's unusual.

21 THE COURT: Good for you.

22 Anybody else?

23 Ms. Dupree?

24 PROSPECTIVE JUROR: I have a cousin who is in banking
25 in California.

1 THE COURT: Okay. You talk shop with him?

2 PROSPECTIVE JUROR: No.

3 THE COURT: This side of the bench?

4 PROSPECTIVE JUROR: I received my accounting degree,
5 but I'm not -- not practicing.

6 THE COURT: Okay.

7 Anybody else in the front row?

8 All right. Back row? Mr. Contris?

9 PROSPECTIVE JUROR: My brother is a chief financial
10 officer at the Department of Revenue.

11 THE COURT: Talk shop?

12 PROSPECTIVE JUROR: Try not to.

13 THE COURT: I thought I saw Mr. -- Reverend Perry?

14 PROSPECTIVE JUROR: My brother-in-law is a CFO of
15 Community Bank down in Arizona.

16 THE COURT: Anybody else on this side?

17 Mr. Benson?

18 PROSPECTIVE JUROR: My brother-in-law is with a
19 credit union at the company I used to work for. I worked for
20 a bookkeeper if she was out of town, and I developed quite a
21 few online training tutorials for bank employees.

22 THE COURT: Anybody else?

23 Have you ever been employed in a business that was
24 involved in investigating other people --

25 Mr. Hybak.

1 PROSPECTIVE JUROR: My father worked for a bank for
2 30 years and retired.

3 THE COURT: All right.

4 Have you ever been employed in a business that was
5 involved in investing other people's money?

6 Ms. Mordick?

7 PROSPECTIVE JUROR: I work at a bank.

8 THE COURT: Anybody else?

9 Ms. Mulqueeny?

10 PROSPECTIVE JUROR: Business service. I didn't do it
11 myself because I wasn't licensed to do it. They did that
12 part of it, too.

13 THE COURT: Who did that?

14 PROSPECTIVE JUROR: Prime America.

15 THE COURT: Anybody else on the bench?

16 Mr. Perry?

17 PROSPECTIVE JUROR: I sit on the Board of Established
18 Churches here in the Northwest. We invest church funds in
19 building churches.

20 THE COURT: Anybody else? Anybody over here?

21 Ms. Lause?

22 PROSPECTIVE JUROR: I worked a year and a half with
23 Department Four Bank.

24 THE COURT: Anybody else? There may be some people
25 who follow up. The lawyers may follow up in that regard.

1 Have you ever received a commission based upon getting
2 someone else to invest money in a business or investment
3 opportunity? In other words, have you been compensated
4 yourself for bringing someone to an investment?

5 Do any of you consider yourself to be a sophisticated
6 investor?

7 Those people don't exist after the last few weeks.

8 Anybody?

9 Have any of you heard of a High-Yield Program? Does that
10 term high-yield-investment program --

11 Mr. Ruby?

12 PROSPECTIVE JUROR: I have heard of it but never been
13 involved.

14 THE COURT: Do you know anything about it other than
15 you've heard about it?

16 PROSPECTIVE JUROR: Very little. Well, other than it
17 looks too good to be true. That sort of thing.

18 THE COURT: Anybody else?

19 Have any of you heard of prime bank notes, medium term
20 notes, bank debentures, or currency trading? Anybody have
21 any familiarity either with those terms or with the
22 activities that they're intended to describe?

23 Have any of you or your close friends or relatives
24 invested in an investment program that promised or offered a
25 high -- particularly high rate of return?

1 PROSPECTIVE JUROR: Don't all banks ask that? Don't
2 all banks offer that in --

3 THE COURT: Yeah. Okay.

4 Anybody else? No. That's a good point. Anybody else?

5 Have any of you ever heard of the private economic arena?
6 Term of art. What that means is -- are you familiar with
7 offshore trusts or offshore LLCs?

8 Anybody have any familiarity and practice or read a
9 considerable amount about offshore trusts or offshore LLCs?

10 Have any of you ever been involved in an investment scheme
11 that was found to be fraudulent? Do any of you know what a
12 Ponzi scheme is?

13 PROSPECTIVE JUROR: I can give you a rough
14 definition.

15 THE COURT: Mr. Gallagher?

16 PROSPECTIVE JUROR: A pyramid scheme -- again, things
17 that you use in a pyramid scheme.

18 THE COURT: Okay. Anything -- you haven't invested
19 in one or been victimized in one in any way? Nothing about
20 your prior experience or what you've read would cause you to
21 be unable to be fair and impartial in a case of this type?

22 Anybody else?

23 How many here have served on a jury before?

24 Ms. Kennedy, how long ago? What kind of case?

25 PROSPECTIVE JUROR: Couple years ago. It was

1 assault. Criminal case.

2 THE COURT: Did the jury deliberate?

3 PROSPECTIVE JUROR: We did.

4 THE COURT: Reach a verdict?

5 PROSPECTIVE JUROR: We did not.

6 THE COURT: You did not? The case resolved before,
7 or it was a hung jury?

8 PROSPECTIVE JUROR: Hung jury.

9 THE COURT: Anything about that that causes you to
10 doubt your ability to be -- to participate in a collaborative
11 decision-making process, which is what deliberations are?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Anybody else in the front row?

14 PROSPECTIVE JUROR: Back in around 1972, I was in
15 King County Superior Court. And it was a case of one company
16 sold another company a product that the other company claims
17 was defective.

18 THE COURT: Did the jury deliberate?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Did you reach a verdict?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Anything about that experience that
23 causes you to doubt or not want to participate --

24 PROSPECTIVE JUROR: No.

25 THE COURT: Ms. Leslie?

1 PROSPECTIVE JUROR: Mock trials long ago.

2 THE COURT: Okay.

3 Anybody in the back row?

4 PROSPECTIVE JUROR: Couple years ago, superior court.

5 I believe it was a criminal case.

6 THE COURT: Did the jury deliberate?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Reach a verdict?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Anything about the experience turn you
11 off to the way we resolve disputes in this country?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Ms. Cohen?

14 PROSPECTIVE JUROR: 1999 Pierce County Superior
15 Court. Murder case. We reached a verdict.

16 THE COURT: Good, bad experience? That's a tough
17 case.

18 PROSPECTIVE JUROR: A long case, yes.

19 THE COURT: Anything about it that makes you flinch
20 about participating again?

21 PROSPECTIVE JUROR: Just the length of time.

22 THE COURT: Anybody else in the box?

23 Ms. Dupree?

24 PROSPECTIVE JUROR: Single lawsuit in Pierce County.

25 THE COURT: Lawsuit in Pierce County.

1 Civil suit?

2 PROSPECTIVE JUROR: Civil.

3 THE COURT: Did the jury deliberate and reach a
4 verdict?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Good experience for you? Bad experience?

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Okay. Anybody on this side of the --

9 PROSPECTIVE JUROR: I am trying to remember the case.
10 King County Regional Justice Center. Car accident type case.
11 On that one, I didn't deliberate. I was on the jury. And at
12 the end we picked two people to come off the jury. I was
13 one.

14 The other one was a drunk driving case in Federal Way.
15 Couple of years of that and we went through deliberations.

16 THE COURT: We'll have that same process here. We'll
17 probably have 14 jurors at the end. We'll pick two by random
18 who will be -- any hard feelings about being picked as the
19 alternate and not getting to deliberate?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Anybody in the back row?

22 Reverend Perry?

23 PROSPECTIVE JUROR: Served on two juries. 2001
24 Pierce County Superior Court. Assault case. I served as
25 juror foreman. Did reach a verdict. In 2005, served in

1 Thurston County Superior Court. Assault case. We also
2 reached a verdict. I was foreman as well.

3 THE COURT: Anything about either of those
4 experiences that left a bad taste in your mouth about the way
5 we resolve disputes?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Mr. Contris?

8 PROSPECTIVE JUROR: Civil suit in Thurston County.

9 THE COURT: Anything about the experience that turned
10 you off to how we resolve disputes in this country?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Anybody over here?

13 Ms. Schrader?

14 PROSPECTIVE JUROR: I think 1972 and superior court.
15 Pierce County. It was a back injury with L&I. I think it
16 got settled.

17 THE COURT: Good experience? Bad experience?

18 PROSPECTIVE JUROR: It was the first time I had been
19 on that. It was interesting. It was a long process.

20 THE COURT: How about in the back row?

21 Okay. Any of you or any members of your immediate family
22 have any dealings with the United States government or any of
23 its agencies from which you might profit?

24 Again, anything that would give you a bias one way or
25 another in this case in favor of the government because

1 you're beholden to the government or somebody close to you is
2 beholden in the government in a financial way?

3 Anybody?

4 Has anybody had a case or dispute with the United States
5 or any agency of the U.S. government looking for bias the
6 other way?

7 Anybody?

8 Anybody had a fight with the feds lately?

9 Have any of you or any member of your immediate family
10 been employed by the United States government? And we've
11 talked about the military so you don't have to do that again.

12 Anybody in the postal service you mentioned already? If
13 you've mentioned that already, that's fine. The lawyers know
14 that they can follow up.

15 Mr. Protsman?

16 PROSPECTIVE JUROR: My mother-in-law's husband just
17 retired a couple months ago from the post office.

18 THE COURT: But not as an inspector, I take it?

19 PROSPECTIVE JUROR: That's correct.

20 THE COURT: Mr. Little?

21 PROSPECTIVE JUROR: Come back to my -- I forgot to
22 mention my brother-in-law was a cop in Tumwater for 25 years.
23 And my youngest daughter's father-in-law was a highway patrol
24 for 38 years.

25 THE COURT: Nothing that would cause you to be

1 predi sposed i n favor of law enforcement i n a case like this?

2 PROSPECTIVE JUROR: Not really.

3 THE COURT: Anybody else?

4 Mr. Contris? Is it Mr. Hama?

5 PROSPECTIVE JUROR: I have an uncle who works as an
6 IRS i nspector. Passed away.

7 THE COURT: Talk shop wi th him?

8 PROSPECTIVE JUROR: No. I was just a little kid.

9 And then another uncle who was an INS i nspector. Never
10 tal ked shop wi th him.

11 THE COURT: Anything about ei ther of those
12 relati onshi ps that woul d cause you to doubt your abi lity to
13 be fai r and i mpartial i n a case like this?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Anybody over here?

16 Do any of you have any strong religi ous affil i ations? We
17 don' t usually talk religion i n connecti on wi th a case, but i t
18 has an aspect that is relevant here. And I assumed I woul d
19 have one hand. But, agai n, we' re going to explore this wi th,
20 hopefully, sensi tivity.

21 PROSPECTIVE JUROR: I regul arly attend the local
22 church i n Eatoni lle. I' m part of the meet-and-greet team
23 that greets new guests when they go to our church.

24 THE COURT: You parti ci pate i n ti thi ng or gi ving to
25 the church?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: You support the church financially?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Do you believe that in sitting here as a
5 juror and listening to testimony that may discuss a religious
6 motivation, that you can separate your own religious
7 convictions and our own practices from the case you're
8 listening to and make your own decision based on the facts,
9 the law, and your own common sense?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: You think you can do that?

12 PROSPECTIVE JUROR: Uh-huh (affirmative).

13 THE COURT: I know that's an obtuse question.
14 Hopefully, you have the understanding that we just -- we
15 don't want people -- we want people to be able to exercise
16 their common sense, but we don't want people to bring in
17 their strongly held views about a particular issue, whether
18 it's politics or religion or whatever, and have that
19 influence their decision. So sometimes those distinctions
20 are pretty hard to make.

21 Ms. Mordick?

22 PROSPECTIVE JUROR: Very heavily involved in my
23 church. In bishop team. My mother works there. She's the
24 office secretary. So definitely involved in also tithing and
25 other volunteering. And I think I can stay -- I won't be

1 partial either way.

2 THE COURT: All right.

3 Mr. Harriman?

4 PROSPECTIVE JUROR: I am a member of the church and I
5 give regularly. But I think I can be impartial.

6 ANOTHER PROSPECTIVE JUROR: I'm Catholic. I think
7 that I can be impartial and fair.

8 THE COURT: Mr. Little?

9 PROSPECTIVE JUROR: Been going to Tumwater Baptist
10 for 48 years. No matter what, I won't be prejudice.

11 THE COURT: Okay. Ms. Irish?

12 PROSPECTIVE JUROR: Regular church. I'm also
13 treasurer of an informations committee.

14 THE COURT: Ms. McEl wee?

15 PROSPECTIVE JUROR: I belong to the First
16 Presbyterian Church. Have for a number of years. And I
17 tithe and I'm involved in the church. I am fair and
18 impartial.

19 THE COURT: Okay.

20 How about over here?

21 Mr. Protsman?

22 PROSPECTIVE JUROR: I have been a member of Orthodox
23 Presbyterian Church for ten years.

24 THE COURT: Anything about that that would cause you
25 to doubt your ability to be fair and impartial where issues

1 of religious teachings and practices are being discussed?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Anybody else? Reverend Perry, obviously.

4 Good question for you. Do you think --

5 PROSPECTIVE JUROR: I certainly believe in justice
6 and blindness of justice. And I believe everyone should have
7 their day in court. I would be very open to hearing both
8 sides of the argument. I think I can be impartial.

9 ANOTHER PROSPECTIVE JUROR: My brother belongs --

10 THE COURT: Ms. Lause, did you raise your hand?

11 PROSPECTIVE JUROR: Christian church.

12 THE COURT: And do you think you could listen to the
13 evidence where religious teachings and practices are
14 discussed and sort of separate from your own deliberations
15 your own beliefs system and listen to the facts and apply the
16 law as given to you by the Court?

17 PROSPECTIVE JUROR: Yes, Your Honor.

18 THE COURT: Do you think you can do that?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Ms. Mulqueeny?

21 PROSPECTIVE JUROR: I haven't gone to church for a
22 while. I do have my beliefs in what the bible says.

23 THE COURT: Okay. Again, obviously, this is a civil
24 court. It's a criminal case, but it is a civil court. It's
25 not an ecclesiastical court. It's not a religious court of

1 any kind. We're not here evaluating people. Religion will
2 be discussed at some level.

3 Do you believe that you can listen to the evidence, listen
4 to the facts, and apply the law as given by the Court to you
5 and make a fair and impartial decision?

6 I believe this trial is expected to last three weeks.

7 Hopefully, that fact was made clear to you in the summons
8 that you received.

9 Is there anybody who by virtue of the length of the trial
10 would not be able to sit on the jury?

11 Yes, Ms. Rosewood?

12 PROSPECTIVE JUROR: I am a single mom. I have a
13 seven-year-old. I'm responsible for getting to school my
14 ten-year-old nephew. I have a midterm. I can't really
15 afford to miss three weeks of school. I work as well. And I
16 don't have any money to pay for any --

17 THE COURT: Other than that you would be an ideal
18 juror. You have that written down.

19 PROSPECTIVE JUROR: I have documentation of my school
20 schedule. Anything you need.

21 THE COURT: Anybody else?

22 Mr. Protsman?

23 PROSPECTIVE JUROR: As I said in the beginning, I
24 have six kids. One-vehicle family. Me getting up here, my
25 wife has no access to getting the kids around during the day.

1 THE COURT: Anybody else?

2 PROSPECTIVE JUROR: I work at a daycare that is
3 frequently short staffed due to illnesses and vacations. I
4 also have a paper route which I get up for at 2:30 in the
5 morning every day.

6 ANOTHER PROSPECTIVE JUROR: I have a job where I am
7 the only banker at my branch. It's not that I cannot --

8 THE COURT: Fortunately, our employers around the
9 country understand their responsibility to their employees.
10 Those are factors the lawyers will want to keep in mind.

11 Any significant health concerns about your ability to sit
12 and -- who has the bad back?

13 Oh, yes. If we allowed you stand and stretch whenever you
14 wanted to, and we take a break about every hour and 15
15 minutes, do you think you could do it?

16 PROSPECTIVE JUROR: I don't think I could.

17 THE COURT: Okay. What kind of -- is it just --

18 PROSPECTIVE JUROR: I fell and injured my back, my
19 hip. And so it's been over a week now and it hasn't gotten
20 better. I think I have to go to the doctor. Chiropractor or
21 something. I can't walk. I can't sit long periods of time.
22 It hurts really bad.

23 THE COURT: Thank you.

24 Anybody else with a health --

25 PROSPECTIVE JUROR: In regards to the last question,

1 it does put me in a bind at work to be gone three weeks
2 because I am the only locksmith on the campus.

3 THE COURT: Would any of you be able to assure the
4 Court that you would follow the instructions on the law
5 regardless of what you think the law is or ought to be?

6 There is a concept referred to as jury nullification --
7 it's frowned upon -- where a jury basically says I know that
8 is the law, but I don't like the law. So I'm going to use my
9 one chance as a juror to not follow the law.

10 Anybody who doubts your ability when you take an oath to
11 follow the law that you could follow through on that oath?

12 Anybody?

13 Is there anything about this case that would cause you to
14 begin the trial with any concern about your ability to serve
15 as jurors other than what has been stated?

16 Anybody that has some reason that they wouldn't want to be
17 on this jury that they haven't disclosed?

18 Waiting for the right question.

19 Does anybody know of any reason why they wouldn't be able
20 to try this case impartially?

21 Okay. At this point I'm going to ask that you direct your
22 attention to Mr. Storm, who is going to ask some follow-up
23 questions of you. And that will be followed by Ms. Olson.

24 MR. STORM: The government doesn't have any further
25 questions.

1 THE COURT: Ms. Olson?

2 MS. OLSON: Thank you, Your Honor.

3 I believe it's Ms. Mordick. Did I see you raise your hand
4 when the judge asked if you had heard of Cornerstone?

5 PROSPECTIVE JUROR: I have heard of it.

6 THE COURT: Do you remember where you heard the term?
7 Know anything about it?

8 PROSPECTIVE JUROR: Probably just an ad of some sort
9 over -- yeah. Nothing that would ever make me think anything
10 of it.

11 MS. OLSON: From what you saw, do you remember -- did
12 you get any kind of information? Any kind of information
13 about it whether it was --

14 PROSPECTIVE JUROR: I have no clue what it's about.

15 MS. OLSON: Bear with me just a little bit.

16 Mr. Little, I think the judge was asking you questions
17 about whether you had been a victim of criminal activity.
18 You indicated that you had been the victim of theft?

19 PROSPECTIVE JUROR: Twice.

20 MS. OLSON: I got the impression that was a very
21 difficult experience for you. Can you share a little bit
22 about that with me?

23 PROSPECTIVE JUROR: Well, it's an experience all
24 right. You know, when you come home and your door is open
25 and you don't -- you know, you don't know what to expect

1 walking in the house and everything. Things upside down.

2 Things taken. It hits you like a rock brick.

3 MS. OLSON: That must have been very scary.

4 PROSPECTIVE JUROR: Then I called the cops. They
5 didn't say much. They said, well, you know, report it to
6 your insurance company. We reported it to our insurance
7 company. They ended up paying.

8 But the second time they thought we put somebody up to it.

9 We didn't.

10 MS. OLSON: Do you know if the police ever arrested
11 anybody that was involved in that?

12 PROSPECTIVE JUROR: Never did find out who did it.

13 MS. OLSON: Was that difficult for you, that you
14 never really got closure in terms of knowing who did that?

15 PROSPECTIVE JUROR: What do you mean by that?

16 MS. OLSON: I think people feel that once the police
17 arrest the person that they believe committed the crime, at
18 least you know that person has been dealt with.

19 PROSPECTIVE JUROR: No. It -- never found out who
20 did it. Never heard of anybody. I think it was close
21 friends. But we don't know. I think they left the country
22 after they did. I don't know. They were young kids anyway.

23 MS. OLSON: You --

24 PROSPECTIVE JUROR: But they never did prove it.
25 Didn't show up. There was a smear on the window, but that

1 was it. Could n't really make out the fingerprints.

2 MS. OLSON: Difficult for them to follow up on?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Thank you.

5 I may have -- I may have somebody mixed up here.

6 Mr. Benson, did I understand that your grandmother was
7 involved in telephone theft? Did you help her out in dealing
8 with that?

9 PROSPECTIVE JUROR: Not directly -- mostly my dad --
10 my dad's mother. Mostly he helped her out, along with
11 brother and sister.

12 MS. OLSON: What did she lose from that, do you know?

13 PROSPECTIVE JUROR: I know they had closed some of
14 her checking accounts. She lost -- I'm not sure the exact
15 amount. Some money was taken out of her checking account.
16 They canceled her long distance. And actually this weekend
17 she moved in with me. It kept happening. She didn't -- she
18 wasn't able to understand. People were calling with these
19 offers. It wasn't true. So she's having trouble avoiding
20 phones. She did live at my parents' house.

21 THE COURT: Ms. Olson, I am going to ask you to go to
22 the lectern so the people that are talking a longer distance
23 away from you, the Court Reporter can hear. Thank you.

24 MS. OLSON: Let me grab my papers here.

25 To follow up, Mr. Benson, is there anything about that

1 against -- as far as your grandmother, how it's affected the
2 rest of your family that would be difficult for you to sit on
3 this case and listen to the evidence here?

4 PROSPECTIVE JUROR: Only thing really is difficult
5 about it is she's getting older. It's sad to see her lose
6 her ability to handle things on her own. I can't think of
7 anything else.

8 MS. OLSON: Thank you.

9 I believe there was Mr. Camer (phonetic). You indicated
10 that your brother had been indicted for gambling.

11 PROSPECTIVE JUROR: My uncle.

12 MS. OLSON: Was he convicted, do you know?

13 PROSPECTIVE JUROR: I was in the Army at the time. I
14 heard from the family grapevine. They had misspelled his
15 name in the newspaper, so I couldn't follow up on it. I
16 don't know what else happened. That was a long time ago.

17 MS. OLSON: Nothing about that experience that would
18 make it difficult for you to sit in the trial?

19 PROSPECTIVE JUROR: No.

20 MS. OLSON: Ms. Leslie, you look surprised I am
21 picking on you. The judge asked you about your prior jury
22 experience and you indicated that you had been on a lot of
23 trials?

24 PROSPECTIVE JUROR: Several.

25 MS. OLSON: Let me ask you this question: Were you

1 sitting as a juror for a mock trial?

2 PROSPECTIVE JUROR: Yes.

3 MS. OLSON: How did you get involved doing that?

4 PROSPECTIVE JUROR: One of my girl friends works for
5 an attorney and they needed to bring in a mock jury. They
6 called me up.

7 MS. OLSON: Did you enjoy that?

8 PROSPECTIVE JUROR: It was all right. I didn't not
9 enjoy it. They fed me. Half day.

10 MS. OLSON: That's the important part.

11 PROSPECTIVE JUROR: It was interesting.

12 MS. OLSON: I'm not sure how much the judge will feed
13 you here.

14 When you were doing that experience was it just like a
15 trial where you hear the evidence and you go and deliberate?

16 PROSPECTIVE JUROR: Yes.

17 MS. OLSON: And would you reach a verdict in those
18 situations?

19 PROSPECTIVE JUROR: Yes.

20 MS. OLSON: And then did the lawyers ask you a lot of
21 questions about your experience and what you like and didn't
22 like?

23 PROSPECTIVE JUROR: No. They went back and talked to
24 us later.

25 MS. OLSON: But they didn't ask your opinion?

1 PROSPECTIVE JUROR: No.

2 MS. OLSON: Ms. Mulqueeny, you indicated that you had
3 worked for a networking business for a while or was involved
4 in a networking business. Was that Prime America?

5 PROSPECTIVE JUROR: Yes.

6 MS. OLSON: How did you get involved in that?

7 PROSPECTIVE JUROR: I worked with a lady whose
8 daughter was involved with it. I saw her. And I wanted to
9 get into something different. I was bartending. I wanted to
10 get out of bartending. And so she talked to me. Sounded
11 good. I liked what they had. I still like them. I wasn't,
12 you know, making any money. I didn't want to travel all over
13 the area. So I just decided I wanted out.

14 MS. OLSON: Did you have to invest any money in it?

15 PROSPECTIVE JUROR: A little for your stuff that you
16 had to use.

17 MS. OLSON: What kind of products were they?

18 PROSPECTIVE JUROR: It was like life insurance.

19 Investing your money for retirement. And a lot of times if
20 the people, you know, seemed like they were interested in
21 doing the same business and we talked with them -- I can't
22 remember -- I can't remember what other things they had.

23 MS. OLSON: That's fine. I'm trying to get a little
24 bit of an idea as to what kind of products they were.

25 Did you actually contact people and try to get people

1 involved as investors?

2 PROSPECTIVE JUROR: One of the things that we did was
3 like reinvesting in their home and where they can like get
4 all their bills together and refinance their home and stuff.
5 I would make calls on the phone and let them know what we had
6 to offer. Then we would go to their place, let them know who
7 we were, if they were interested in doing that.

8 MS. OLSON: Did you have any -- did you have a
9 positive experience doing that? Was that a good thing?

10 PROSPECTIVE JUROR: I did. I didn't make anything
11 because I didn't sell like a mortgage or something like that.
12 You know, helping people to get ahead.

13 MS. OLSON: Sure. Your friend that got you involved
14 in it, did she tell you that you would make money usually
15 or --

16 PROSPECTIVE JUROR: No. It's what you put into it.

17 MS. OLSON: Okay. Thank you.

18 Has anybody here heard of a religious society called the
19 Kingdom of Heaven?

20 How about the Assembly of Heaven?

21 PROSPECTIVE JUROR: Is that like Jehovah Witness?

22 MS. OLSON: I don't think so. I think it's an
23 independent society. I know what you're thinking. No, it is
24 not. It is different from that.

25 Nobody has heard of either one of those?

1 Thank you, very much. I don't have any more questions.

2 THE COURT: Thank you.

3 Ladies and gentlemen, we're going to take a short period
4 of time. I am going to ask you to go into the hallway. We
5 have to take up a matter outside your presence. It won't
6 take very long. Then the lawyers will exercise their
7 peremptories and we'll have our jury. If you would stay in
8 the same order because we're going to have you out there for
9 a very few moments.

10 (Jury exits the courtroom.)

11 THE COURT: Mr. Storm, any challenge for cause?

12 MR. STORM: Ms. Rosewood, Your Honor.

13 THE COURT: Yeah. I had Ms. Rosewood.

14 Mr. Protsman and Ms. Klooz, all these probably had
15 legitimate reasons for not wanting to here. I didn't want --
16 those are the three on my list.

17 Anybody else?

18 MR. STORM: No, Your Honor.

19 THE COURT: Ms. Olson?

20 MS. OLSON: I think those were the same ones that I
21 also had.

22 THE COURT: 23, 29, 35?

23 MS. OLSON: Yes.

24 THE COURT: Those three will be excused for cause.
25 Make sure you make that notation.

1 For the record, I understand the concern that Ms. Irish
2 and Mr. Contris and -- I believe one other. Maybe it was
3 Ms. Irish. But I don't think they fall in the same category
4 of hardship that Protsman, Rosewood, and Klooz do. They will
5 be -- they will be left. But 23, 29, 35 are excused for
6 cause.

7 Any others that you need to talk about before exercising
8 your peremptories?

9 Ms. Olson?

10 MS. OLSON: No.

11 MR. STORM: No.

12 THE COURT: All right. Let's bring in the jury. You
13 can start exercising your peremptories now. 7 and 11.

14 MS. OLSON: Could Mr. Bush take a quick break?

15 THE COURT: Sure. Let's get the jury back in. Let
16 Mr. Bush then leave to use the restroom and he can come back.
17 And I don't think -- we're just in a period of quietude
18 anyway.

19 (Pause in proceedings.)

20 THE COURT: All right. Ladies and gentlemen, because
21 of the length of the trial we're going to have 14 jurors
22 impaneled; 12 will deliberate, two will be picked at random
23 at the end of the case from a wheel.

24 So the 14 jurors are as follows: Juror number 1 will be
25 Denise Anderson. Juror number 2 will be Linda Leslie. Juror

1 number 3 will be Jean Yackley. Juror number 4 will be
2 Marjorie Mulqueeny. Juror number 5 will be Katrina Irish.
3 Juror number 6 will be Carolyn McElwee. Juror number 7 will
4 be Kathleen Dupree. Juror number 8 will be Dennis
5 Piccolotto. Juror number 9 will be Craig Ayers. Juror
6 number 10 will be John Knox. Juror number 11 will be Jenny
7 Britton. Juror number 12 will be Mark Contris. Juror 13
8 will be Anthony Kulisch. Juror number 14 will be Duane
9 Patterson.

10 Those are our 14 jurors. The rest of you will be excused
11 with the Court's thanks.

12 (Remaining prospective jurors excused.)

13 (Jury sworn)

14 THE COURT: Please be seated. All right. Ladies and
15 gentlemen, we're going to take our noon recess at this time.
16 We'll be in recess until 1:30. When we come back I will give
17 you some preliminary instructions that will guide your
18 conduct as jurors as you hear the evidence. At the end of
19 the case when all the evidence has been presented I will give
20 you further instructions on the law that you're to apply in
21 resolving this case.

22 For now, you're going to get sick and tired of hearing me
23 say it, do not talk about this case. You can tell your
24 family members that you were picked on the jury, how long
25 it's going to go, and so forth. But don't tell them anything

1 about the case. Don't discuss it among yourselves. You're
2 going to be lunch partners for the next three weeks and it's
3 important that you talk about things other than the case.
4 Don't let anybody talk to you about this case. If somebody
5 tries to talk to you about this case, I want to know about it
6 right away. Don't do any of your own research. Don't go on
7 the Internet and find out about this institution, that
8 institution, this investment opportunity, that investment
9 opportunity. You're supposed to make the decision based upon
10 the facts that are presented to all 14 of you here in court.

11 (Jury exits the courtroom.)

12 THE COURT: Please be seated. Anything we need to
13 take up?

14 I will give the preliminary instructions when we come
15 back.

16 Any special equipment needs for opening statement?

17 How long do you think you're going to go?

18 MR. STORM: For the government, 30 to 35 minutes.

19 THE COURT: Okay.

20 MR. STORM: We plan to use the Elmo.

21 THE COURT: Jean can set it up for you.

22 MS. OLSON: 15, 20 minutes.

23 THE COURT: Anything else that we need to take up?

24 Have a nice lunch.

25 (Court in recess.)

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C E R T I F I C A T E

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3 I, Nichole Rhynard, Federal Official Court Reporter and
4 Certified Real time Reporter, do certify that the foregoing is
5 a correct transcript from the record of proceedings in the
6 above-entitled matter.

7

8 /S/ Nichole Rhynard, CCR, CRR, RMR

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